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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,258	12/27/2000	Earl Hennenhoefer	00-40387-US	4827

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EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,258

Applicant(s)

HENNENHOEFER ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 6, 22-28, 30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-6, 22-28, 30 & 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 4/17/2006, with respect to claims have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-6, 22-28, 30 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moura, (U.S. Pat # 5,347,304), in view of Flickinger, (U.S. Pat # 5,901,340), Adams, (U.S. Pat # 6,124,878) and Jeffery, (U.S. Pat # 6,567,981).

Considering claim 5, the claimed local RF receiver and baseband out intelligent device system for transmitting digital information onto an RF carrier through a wideband distribution

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network, comprising 'at least one addressable device' is met by the RLA of Moura, see Fig. 1-3 & col. 4, lines 38-55. Moura does not explicitly show a BUD, however the cable in unit of Flickinger, (Fig. 1-2) reads on the claimed subject matter. It would have been obvious for one of ordinary skill in the art the time the invention was made, to modify Moura with the feature of a BUD, at least for the desirable benefit of an additional layer of processing in a home system as taught by Flickinger, col. 2, lines 18-46; col. 3, lines 20-60.

As for claimed feature of splitting the digital signal into an IP and non-IP portion, even though Moura suggest that IP data is sent of CATV line, the reference does not explicitly discuss the splitting. Nevertheless, Adams, which is in the same field of endeavor discuss splitting a signal to a non-IP and IP signal, Fig. 1; Fig. 4; col. 6, lines 1-61. It would have been obvious for one of ordinary skill in the art the time the invention was made, to modify Moura with the feature of splitting signal to IP and non-IP, as taught by Adams, at least in order to meet the needs of the connected end units.

As for the 'demodulator that receives that modulated RF digital sign from the BUD', Moura does not discuss demodulating the signal. However Jeffrey, teaches demodulating a variety of signals, Fig. 1). It would have been obvious for one of ordinary skill in the art the time the invention was made, to modify Moura with the demodulating technique, as taught by Jeffery, at least in order to more efficiently utilize the RF system,. The claimed 'combiner' for creating the high speed digital transmission is met by the Dinwiddie col. 5, lines 18-35.

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The claimed RF splitter is met by the server/router 6 in Jeffery, Fig. 1. The claimed 'at least two band pass filters' is disclosed in Flickinger, Fig. 2-6

Considering claim 6, the claimed bandpass filters, correspond with subject matter mentioned above in the rejection of claim 5, and are likewise treated.

Considering claims 22-23, the claimed intelligent device system, include elements that correspond with subject matter mentioned above in the rejection of claim 5, and are likewise analyzed. As for the claimed channel detector that receives traffic data is met by Moura

Regarding claim 23-25, 28 & 30-31, the instant claim additionally recites a wireless, intelligent device, see Jeffrey, Fig. 2; col. 2, lines 40-60; col. 12, lines 31-65.

Considering claims 26-27, the claimed wireless demodulator is necessarily included in Jeffery.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Edson

B) Maruo

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER